

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

FIFTH THIRD BANK,

*Plaintiff(s),*

V.

LOW VOLTAGE,

*Defendant(s).*

Case No. 1:24-cv-00236

District Judge Jeffery P. Hopkins

Magistrate Judge

## RULE 26(f) REPORT OF PARTIES

In accordance with Fed. R. Civ. P. 26(f), a meeting was held on 8/21/24 and was attended by: Jeff Hendricks for plaintiff, Jeff Nye for defendants.

**1. Rule 26(a) Disclosures.** The parties:

- ☐ have provided the pre-discovery disclosures required by Fed. R. Civ. P. 26(a)(1), including a medical package (if applicable).
- ☒ will exchange such disclosures by 9/20/24.
- ☐ are exempt from disclosure under Fed. R. Civ. P. 26(a)(1)(E).

**2. Magistrate Consent.** The parties:

- ☐ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).
- ☒ do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).
- ☐ unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c), for trial purposes only, in the event that the assigned District Judge is unavailable on the date set for trial (e.g., because of other trial settings, civil or criminal).

### 3. Discovery Plan.

- a. *Discovery Issues.* Describe the subjects on which discovery is to be sought and the nature, extent, and scope of discovery that each party needs to: (i) make

a settlement evaluation, (ii) prepare for case dispositive motions, and (iii) prepare for trial:

Plaintiff's compliance with notice obligations; defendants' ability to pay

**b. *Bifurcation.*** The parties recommend that discovery:

- ☒ need not be bifurcated.
- ☐ should be bifurcated between liability and damages.
- ☐ should be bifurcated between factual and expert.
- ☐ should be limited in some fashion or focused upon particular issues that relate to .

**c. *Recommended Discovery Deadlines.***

- i. Disclosure of lay witnesses: December 6, 2024
- ii. Disclosure and report of Plaintiff(s) expert(s): January 17, 2025
- iii. Disclosure and report of Defendant(s) expert(s): February 28, 2025
- iv. Disclosure and report of rebuttal expert(s): March 28, 2025
- v. Discovery cutoff: April 25, 2025

**d. *Expert Testimony.*** Describe the areas in which expert testimony is expected and indicate whether each expert had been or will be specifically retained within the meaning of Fed. R. Civ. P. 26(a)(2):

The parties do not anticipate expert discovery

**e. *Discovery of Electronically Stored Information.*** Have the parties discussed disclosure, discovery, and preservation of electronically stored information, including the form or forms in which it should be produced?

☒ Yes

☐ No

- i. The parties have electronically stored information in the following formats:

ESI may be contained in emails or the bank's electronic record management system

- ii. The case presents the following issues relating to disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

The parties do not anticipate any unusual issues relating to ESI

- f. *Claims of Privilege or Protection.* Have the parties discussed issues regarding the protection of information by privilege or the work-product doctrine, including whether the parties agree to a procedure to assert these claims after production or have any other agreements under Fed. R. Evid. 502?

☐ Yes

☒ No

- i. The case presents the following issues relating to claims of privilege or of protection as trial preparation materials:

The parties do not anticipate any privilege issues that will require the Court's attention and believe that Rule 26(b)(5)'s assertion and clawback procedures will be sufficient

- ii. Have the parties agreed on a procedure to assert such claims AFTER production?

☒ No

☐ Yes

☐ Yes, and the parties ask that the Court include the following agreement in the scheduling order:

- g. *Limitations on Discovery.* Agreed changes in the limitations on discovery:

☐ Extension of time limitations (currently one 7-hour day) in taking depositions to

☐ Extension of number of depositions (currently 10) permitted to

☐ Extension of number of interrogatories (currently 25) to

☐ Other:

☒ None

- h. *Protective Order.* The parties:

- ☐ anticipate submitting a protective order to the Court on or before .
- ☒ do not currently anticipate the need for a protective order. If the parties later deem that one is necessary, they will submit a joint proposed order to the Court.

*The parties should be familiar with Shane Group, Inc. v. Blue Cross Blue Shield of Michigan, 825 F.3d 299 (6th Cir. 2016), its progeny, and the Court's procedure for sealing documents.*

**4. Motion Deadlines.** The parties recommend the following deadlines for filing:

- a. Motions directed to the pleadings: October 4, 2024
- b. Motions to amend the pleadings and/or add additional parties: October 4, 2024
- c. Dispositive motions: 45 days after close of discovery

**5. Hearing Dates.** The parties recommend the following dates for:

- a. Status conference (if any): none
- b. Final pretrial conference: 21 days prior to trial
- c. Commencement of trial: 60 days after resolution of dispositive motions
  - i. Anticipated number of days: 1-2

**6. Settlement and Alternative Dispute Resolution.**

- a. Suggestions as to the type and timing of efforts at Alternative Dispute Resolution: the parties anticipate attempting to resolve the case through counsel, or engaging a private mediator to do so
- b. Has a settlement demand been made? ☐ Yes ☒ No
  - A response? ☐ Yes ☒ No
  - Date by which a settlement demand can be made: 30 days
  - Date by which a response can be made: 45 days

**7. Other matters pertinent to the scheduling or management of this litigation:**

none

**SUBMITTED BY:**

s/ Jeffrey M. Hendricks  
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Attorney for plaintiff

s/ Jeffrey M. Nye  
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Attorney for defendants

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